

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1073

Citations Affected: IC 5-14-3-4; IC 6-6; IC 8-2.1-24-18; IC 9-13-2; IC 9-14; IC 9-16; IC 9-18; IC 9-19; IC 9-20-2-2; IC 9-21; IC 9-23-2-14; IC 9-24; IC 9-25-6-14; IC 9-26-1; IC 9-27-4-5.5; IC 9-29; IC 10-11-2-26; IC 13-11-2-245; IC 26-1-9.1-311; IC 34-30-2-30.5.

Synopsis: Motor vehicle matters. Specifies that: (1) the bureau of motor vehicles (bureau) has discretion to withhold certain medical records and evaluations regarding the ability of a driver to operate a motor vehicle safely; and (2) a law enforcement agency has discretion to withhold certain items of personal information contained in the files of the law enforcement agency. Authorizes the bureau to conduct a reasonable investigation of a driver's continued fitness to operate a motor vehicle when the bureau has reason to believe that a licensed driver may not be able to operate a motor vehicle safely. Specifies that the bureau may not suspend or revoke the license of a licensed driver whose fitness to drive safely is questioned until a reasonable investigation of the driver's continued fitness has been made by the bureau. Revises language concerning public records confidentiality. Requires: (1) the driver licensing medical advisory board to assist the office of traffic safety; and (2) the office of traffic safety to develop programs and materials concerning senior citizens' driving ability. Provides that certain driver's licenses issued to individuals at least 85 years of age expire two years after issuance. Grants immunity from civil or criminal liability to a licensed physician, optometrist, or advanced practice nurse who makes a good faith report to the bureau concerning a patient's fitness to operate a motor vehicle not more than 30 days after having examined the patient. Revises fees for copies of certain bureau records. Revises educational and age requirements for a commercial driver training instructor's license. Requires the commissioner (commissioner) of the bureau to administer the policies and procedures of the bureau and to submit budget proposals for the bureau to the budget director. Requires a person operating a license branch to collect service charges and deposit them in the license branch fund. Provides that certain driver's licenses under certain circumstances and state identification cards expire six years after issuance. (Current law provides that certain driver's licenses under certain circumstances and state identification cards expire four years after issuance.) Provides that fees and service charges for driver's licenses that expire six years after issuance and state identification cards be increased by 50%. Requires the bureau to adopt rules for a 50% increase in certain charges related to driver's licenses and state identification cards that expire six years after issuance. Requires the operator of a vehicle involved in an accident to report the accident to the bureau within ten days of the accident under certain circumstances. (Current law requires the report to be made to the state police.) Authorizes the bureau to determine a schedule for yearly registration of certain vehicles. Changes the regulation of licensing of vehicle

merchandising. Revises the replacement cycle for certain license plates from one year to two years. Changes the defined term "implement of husbandry" to "implement of agriculture" for purposes of the motor vehicle code, and requires the bureau to determine categories of implements of agriculture by rule. Redefines the terms "farm tractor" and "tractor" for purposes of the motor vehicle code. Defines "special machinery" and sets a fee for registration. Provides that certain motor vehicles may be operated and registered as farm trucks, farm trailers, or farm semitrailers and tractors if not used for certain commercial enterprises. Provides for a 30 day registration for farm trucks, farm trailers, or farm semitrailers and tractors operated intrastate to transport farm products after the commodities have entered the channels of commerce. Makes it a Class C infraction (and a Class B infraction for a second offense within three years) to operate or own a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle is used for certain commercial enterprises. Revises the definitions of "law enforcement officer" and "police officer" for purposes of the motor vehicle code to include a motor carrier inspector (inspector), and gives an inspector authority over violations of certain offenses involving a farm truck, farm trailer, or farm semitrailer. Requires the bureau to adopt rules: (1) to identify and define "farm truck", "farm trailer", and "farm semitrailer and tractor"; and (2) related to the operation of farm vehicles. Prohibits a police officer from impounding certain farm products when a vehicle is discovered in violation of certain registration requirements, and removes the penalty against an officer for a reckless impoundment related to other registration requirements. Revises the exclusion of certain garden tractors from the application of the waste tire management fund fee. Repeals the definitions of "farm machinery", "farm tractor used in transportation", and "special farm machinery", and repeals references to those terms within the motor vehicle code. Deletes an obsolete reference to a financing statement for a farm tractor. Repeals the license fee for certain vehicles used in farming operations. Repeals a fee for certain reinstatement privileges from the bureau. Authorizes the bureau to conduct driver examinations in a county where a license branch is located. Removes authority for the bureau to issue a renewal license or identification card by mail or by electronic service. Provides that a certain federal requirement concerning diabetic drivers who operate motor vehicles for private carriers of property does not apply when the carrier vehicle is operated intrastate under specific circumstances. Makes technical corrections and conforming changes. **(This conference committee report: (1) adds language concerning requests for bureau information from HB 1186 as passed by House committee on February 21, 2005; (2) adds language concerning intrastate diabetic drivers who operate commercial motor vehicles from ESB 79 as passed by the House on March 24, 2005; (3) adds language concerning agricultural equipment from ESB 89 as passed by the House on March 24, 2005; (4) adds and amends certain language concerning motor vehicle matters as contained in ESB 533 as passed by House committee on March 29, 2005; (5) repeals a fee for certain registration privileges from the bureau; (6) authorizes the bureau to conduct driver examinations in a county where a license branch is located; (7) removes authority for the bureau to issue a renewal license or identification card by mail or by electronic service; (8) makes a title correction; and (9) makes technical corrections to reflect a change made by HEA 1003, concerning the Indiana economic development corporation, and resulting from passage of HEA 1288.)**

Effective: Upon passage; July 1, 2005.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1073 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning motor
- 3 vehicles.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.173-2003,
- 6 SECTION 5, AND AS AMENDED BY P.L.200-2003, SECTION 3,
- 7 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The following public records
- 9 are excepted from section 3 of this chapter and may not be disclosed by
- 10 a public agency, unless access to the records is specifically required by
- 11 a state or federal statute or is ordered by a court under the rules of
- 12 discovery:
- 13 (1) Those declared confidential by state statute.
- 14 (2) Those declared confidential by rule adopted by a public agency
- 15 under specific authority to classify public records as confidential
- 16 granted to the public agency by statute.
- 17 (3) Those required to be kept confidential by federal law.
- 18 (4) Records containing trade secrets.
- 19 (5) Confidential financial information obtained, upon request, from
- 20 a person. However, this does not include information that is filed
- 21 with or received by a public agency pursuant to state statute.
- 22 (6) Information concerning research, including actual research
- 23 documents, conducted under the auspices of an institution of higher

education, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.

(10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the ~~department of commerce~~, **Indiana economic development corporation**, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the ~~department of commerce~~, **Indiana economic development corporation**, the Indiana development finance authority, the Indiana film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the ~~department of commerce~~ **Indiana economic development**

- 1 **corporation** shall certify that the information being disclosed
 2 accurately and completely represents the terms of the final offer.
- 3 (6) Records that are intra-agency or interagency advisory or
 4 deliberative material, including material developed by a private
 5 contractor under a contract with a public agency, that are
 6 expressions of opinion or are of a speculative nature, and that are
 7 communicated for the purpose of decision making.
- 8 (7) Diaries, journals, or other personal notes serving as the
 9 functional equivalent of a diary or journal.
- 10 (8) Personnel files of public employees and files of applicants for
 11 public employment, except for:
- 12 (A) the name, compensation, job title, business address, business
 13 telephone number, job description, education and training
 14 background, previous work experience, or dates of first and last
 15 employment of present or former officers or employees of the
 16 agency;
- 17 (B) information relating to the status of any formal charges
 18 against the employee; and
- 19 (C) *information concerning the factual basis for a disciplinary*
 20 *actions* action in which final action has been taken and that
 21 resulted in the employee being *disciplined* suspended, demoted,
 22 or discharged.
- 23 However, all personnel file information shall be made available to
 24 the affected employee or the employee's representative. This
 25 subdivision does not apply to disclosure of personnel information
 26 generally on all employees or for groups of employees without the
 27 request being particularized by employee name.
- 28 (9) Minutes or records of hospital medical staff meetings.
- 29 (10) Administrative or technical information that would jeopardize
 30 a record keeping or security system.
- 31 (11) Computer programs, computer codes, computer filing systems,
 32 and other software that are owned by the public agency or
 33 entrusted to it and portions of electronic maps entrusted to a public
 34 agency by a utility.
- 35 (12) Records specifically prepared for discussion or developed
 36 during discussion in an executive session under IC 5-14-1.5-6.1.
 37 However, this subdivision does not apply to that information
 38 required to be available for inspection and copying under
 39 subdivision (8).
- 40 (13) The work product of the legislative services agency under
 41 personnel rules approved by the legislative council.
- 42 (14) The work product of individual members and the partisan
 43 staffs of the general assembly.
- 44 (15) The identity of a donor of a gift made to a public agency if:
- 45 (A) the donor requires nondisclosure of the donor's identity as a
 46 condition of making the gift; or
- 47 (B) after the gift is made, the donor or a member of the donor's
 48 family requests nondisclosure.
- 49 (16) Library or archival records:
- 50 (A) which can be used to identify any library patron; or
- 51 (B) deposited with or acquired by a library upon a condition that

the records be disclosed only:

- (i) to qualified researchers;
- (ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
- (iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing ~~medical committee~~ advisory board **regarding the ability of a driver to operate a motor vehicle safely**. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations. ~~that concern the driver.~~

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

- (A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;
- (B) vulnerability assessments;
- (C) risk planning documents;
- (D) needs assessments;
- (E) threat assessments;
- (F) domestic preparedness strategies;
- (G) the location of community drinking water wells and surface water intakes;
- (H) the emergency contact information of emergency responders and volunteers;
- (I) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and
- (J) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection *by any public agency* without the prior approval of the public agency *that owns, occupies, leases, or maintains the airport*. The ~~submitting~~ public agency *that owns, occupies, leases, or maintains the airport*:

- (i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of

threatening public safety by exposing a vulnerability to terrorist attack; and
(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under ~~IC 5-14-3-4(19)(I)~~ IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(C) The last four (4) digits of the complainant's Social Security number.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 2. IC 6-6-1.1-903 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 903. (a) A person is entitled to a refund of gasoline tax paid on gasoline purchased or used for the following purposes:

(1) Operating stationary gas engines.

(2) Operating equipment mounted on motor vehicles, whether or not operated by the engine propelling the motor vehicle.

(3) Operating a tractor used for agricultural purposes.

(3.1) Operating implements of husbandry agriculture (as defined in IC 9-13-2-77).

(4) Operating motorboats or aircraft.

(5) Cleaning or dyeing.

(6) Other commercial use, except propelling motor vehicles operated in whole or in part on an Indiana public highway.

(7) Operating a taxicab (as defined in section 103 of this chapter).

(b) If a refund is not issued within ninety (90) days of filing of the verified statement and all supplemental information required by IC 6-6-1.1-904.1, the department shall pay interest at the rate established by IC 6-8.1-9 computed from the date of filing of the verified statement and all supplemental information required by the department until a date determined by the administrator that does not precede by more than thirty (30) days the date on which the refund is made.

SECTION 3. IC 6-6-5-7.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.9. (a) As used in this section, "passenger motor vehicle" has the meaning set forth in IC 9-13-2-123(a).**

(b) Notwithstanding any other law, and for calendar year 2006, the registration fee for a passenger motor vehicle that is registered in Indiana in calendar year 2005 shall be at the rate as set forth in IC 9-29-5-1 with no reduction for any partial calendar month that has elapsed since the regular annual registration date in calendar year 2005.

(c) This section expires January 1, 2007.

SECTION 4. IC 8-2.1-24-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a)** 49 CFR Parts 382 through 387, 390 through 393, and 395 through 398 is incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), and (g), must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under 49 CFR 385 shall be selected according to criteria determined by the superintendent which must include but is not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. However, the provisions of 49 CFR 395 that regulate the hours of service of drivers, including requirements for the maintenance of logs, do not apply to a driver of a truck that is registered by the bureau of motor vehicles and used as a farm truck under IC 9-18, or a vehicle operated in intrastate construction or construction related service, or the restoration of public utility services interrupted by an emergency. Except as provided in subsection (i), intrastate motor carriers not operating under authority issued by the United States Department of Transportation shall comply with the requirements of 49 CFR 390.21(b)(3) by registering with the department of state revenue as an intrastate motor carrier and displaying the certification number issued by the department of state revenue preceded by the letters "IN". Except as provided in subsection (i), all other requirements of 49 CFR 390.21 apply equally to interstate and intrastate motor carriers.

(b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177 through 178, and 180, is incorporated into Indiana law by reference, and every:

- (1) private carrier;
- (2) common carrier;
- (3) contract carrier;
- (4) motor carrier of property, intrastate;
- (5) hazardous material shipper; and
- (6) carrier otherwise exempt under section 3 of this chapter;

must comply with the federal regulations incorporated under this subsection, whether engaged in interstate or intrastate commerce.

(c) Notwithstanding subsection (b), nonspecification bulk and nonbulk packaging, including cargo tank motor vehicles, may be used only if all the following conditions exist:

- (1) The maximum capacity of the vehicle is less than three thousand five hundred (3,500) gallons.
- (2) The shipment of goods is limited to intrastate commerce.
- (3) The vehicle is used only for the purpose of transporting fuel oil, kerosene, diesel fuel, gasoline, gasohol, or any combination of these substances.

All additional federal standards for the safe transportation of hazardous materials apply until July 1, 2000. After June 30, 2000, the maintenance, inspection, and marking requirements of 49 CFR 173.8 and Part 180 are applicable. In accordance with federal hazardous materials regulations, new or additional nonspecification cargo tank motor vehicles may not be placed in service under this subsection after June 30, 1998.

(d) For the purpose of enforcing this section, only:

- (1) a state police officer or state police motor carrier inspector who:
 - (A) has successfully completed a course of instruction approved by the Federal Highway Administration; and
 - (B) maintains an acceptable competency level as established by the state police department; or
- (2) an employee of a law enforcement agency who:
 - (A) before January 1, 1991, has successfully completed a course of instruction approved by the Federal Highway Administration; and
 - (B) maintains an acceptable competency level as established by the state police department;
 on the enforcement of 49 CFR, may, upon demand, inspect the books, accounts, papers, records, memoranda, equipment, and premises of any carrier, including a carrier exempt under section 3 of this chapter.

(e) A person hired before September 1, 1985, who operates a motor vehicle intrastate incidentally to the person's normal employment duties and who is not employed as a chauffeur (as defined in IC 9-13-2-21(a)) is exempt from 49 CFR 391 as incorporated by this section.

(f) Notwithstanding any provision of 49 CFR 391 to the contrary, a person at least eighteen (18) years of age and less than twenty-one (21) years of age may be employed as a driver to operate a commercial motor vehicle intrastate. However, a person employed under this subsection is not exempt from any other provision of 49 CFR 391.

(g) Notwithstanding subsection (a) or (b), the following provisions of 49 CFR do not apply to private carriers of property operated only in

intrastate commerce or any carriers of property operated only in intrastate commerce ~~while employed in construction or construction related service whether or not the carrier vehicle is of a class that requires a commercial driver's license:~~

(1) Subpart 391.41(b)(3) as it applies to physical qualifications of a driver who has ~~applied for or holds a commercial driver's license (as defined in IC 9-13-2-29);~~ **been** diagnosed as an insulin dependent diabetic, if the driver has applied for and been granted an intrastate medical waiver by the bureau of motor vehicles **pursuant to this subsection. The same standards and the following procedures shall apply for this waiver whether or not the driver is required to hold a commercial driver's license. An application for the waiver shall be submitted by the driver and** completed and signed by a certified endocrinologist or the driver's treating physician attesting that the driver:

(A) is **not** otherwise physically ~~qualified~~ **disqualified** under Subpart 391.41 to operate a motor vehicle, **whether or not any additional disqualifying condition results from the diabetic condition**, and is not likely to suffer any diminution in driving ability due to the driver's diabetic condition;

(B) is free of severe hypoglycemia or hypoglycemia unawareness and has had less than one (1) documented, symptomatic hypoglycemic reaction per month;

(C) has demonstrated the ability and willingness to properly monitor and manage the driver's diabetic condition;

(D) has agreed to and, to the endocrinologist's or treating physician's knowledge, has carried a source of rapidly absorbable glucose at all times while driving a motor vehicle, has self monitored blood glucose levels one (1) hour before driving and at least once every four (4) hours while driving or on duty before driving using a portable glucose monitoring device equipped with a computerized memory; and

(E) has submitted the blood glucose logs from the monitoring device to the endocrinologist or treating physician at the time of the annual medical examination.

A copy of the blood glucose logs shall be filed along with the annual statement from the endocrinologist or treating physician with the bureau of motor vehicles for review by the driver licensing medical advisory board established under IC 9-14-4. A copy of the annual statement shall also be provided to the driver's employer for retention in the driver's qualification file, and a copy shall be retained and held by the driver while driving for presentation to an authorized federal, state, or local law enforcement official. **Notwithstanding the requirements of this clause, the endocrinologist, the treating physician, the advisory board of the bureau of motor vehicles, or the bureau of motor vehicles may, where medical indications warrant, establish a short period for the medical examinations required under this clause.**

(2) Subpart 396.9 as it applies to inspection of vehicles carrying or loaded with a perishable product. However, this exemption does

not prohibit a law enforcement officer from stopping these vehicles for an obvious violation that poses an imminent threat of an accident or incident. The exemption is not intended to include refrigerated vehicles loaded with perishables when the refrigeration unit is working.

(3) Subpart 396.11 as it applies to driver vehicle inspection reports.

(4) Subpart 396.13 as it applies to driver inspection.

(h) For purposes of 49 CFR 395.1(l), "planting and harvesting season" refers to the period between January 1 and December 31 of each year. The intrastate commerce exception set forth in 49 CFR 395.1(l), as it applies to the transportation of agricultural commodities and farm supplies, is restricted to single vehicles and cargo tank motor vehicles with a capacity of not more than five thousand four hundred (5,400) gallons.

(i) The requirements of 49 CFR 390.21 do not apply to an intrastate carrier or a guest operator not engaged in interstate commerce and operating a motor vehicle as a farm vehicle in connection with agricultural pursuits usual and normal to the user's farming operation or for personal purposes unless the vehicle is operated either part time or incidentally in the conduct of a commercial enterprise.

(j) The superintendent of state police may adopt rules under IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by reference under this section.

SECTION 5. IC 9-13-2-56 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 56. ~~(a)~~ "Farm tractor" means ~~except as provided in subsection (b);~~ a motor vehicle designed and used primarily as a farm implement for drawing ~~farm machinery including plows, mowing machines, harvesters, and other~~ implements of ~~husbandry, agriculture~~ used on a farm and, when using the highways, in traveling from one (1) field or farm to another or to or from places of repairs. The term includes a wagon, trailer, or other vehicle pulled by a farm tractor.

~~(b) "Farm tractor", for purposes of IC 9-21, means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.~~

SECTION 6. IC 9-13-2-60 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 60. "Farm wagon" means a wagon, other than an implement of ~~husbandry, agriculture,~~ used primarily for transporting farm products and farm supplies in connection with a farming operation.

SECTION 7. IC 9-13-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 77. **(a)** "Implement of ~~husbandry~~ **agriculture**" means ~~special farm machinery, farm machinery, and other agricultural implements, pull type and self-propelled, equipment~~ used for the: ~~transportation and~~

(1) transport;

(2) delivery; or

(3) application;

of plant food materials or agricultural chemicals crop inputs, including seed, fertilizers, and crop protection products, and vehicles designed to transport ~~farm these types of agricultural~~ implements.

(b) The bureau shall determine by rule under IC 4-22-2 whether a category of implement of agriculture was designed to be operated primarily:

(1) in a farm field or on farm premises; or

(2) on a highway.

SECTION 8. IC 9-13-2-92 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

(1) A state police officer.

(2) A city, town, or county police officer.

(3) A sheriff.

(4) A county coroner.

(5) A conservation officer.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6, IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in IC 35-41-1.

SECTION 9. IC 9-13-2-105 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of husbandry, **agriculture designed to be operated primarily in a farm field or on farm premises**, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

(1) a vehicle except a motorized bicycle that is self-propelled; or

(2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.

SECTION 10. IC 9-13-2-127 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

(1) A regular member of the state police department.

(2) A regular member of a city or town police department.

(3) A town marshal or town marshal deputy.

(4) A regular member of a county sheriff's department.

(5) A conservation officer of the department of natural resources.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

SECTION 11. IC 9-13-2-170.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 170.3. "Special machinery"**

means a portable saw mill or well drilling machinery.

SECTION 12. IC 9-13-2-180 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 180. "Tractor" means a motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind. The term does not include the following:

(1) a farm tractor.

(2) ~~A farm tractor used in transportation.~~

(3) ~~A tractor that is used exclusively for drawing a passenger carrying semitrailer.~~

SECTION 13. IC 9-13-2-188 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 188. (a) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(b) "Truck", for purposes of IC 9-21-8-3, includes the following:

(1) A motor vehicle designed and used primarily for drawing another vehicle and constructed to carry a load other than a part of the weight of the vehicle and load so drawn.

(2) A motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of ~~husbandry~~ **agriculture**.

SECTION 14. IC 9-13-2-196 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

(1) A device moved by human power.

(2) A vehicle that runs only on rails or tracks.

(3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.

(4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.

(5) A municipally owned ambulance.

(6) A police patrol wagon.

(7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:

(A) Road construction or maintenance machinery.

(B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.

(C) Construction dust control machinery.

(D) Well boring apparatus.

(E) Ditch digging apparatus.

(F) An implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises.**

(G) An invalid chair.

(H) A yard tractor.

(8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include

1 devices moved by human power or used exclusively upon stationary
2 rails or tracks.

3 (d) For purposes of IC 9-22, the term refers to an automobile, a
4 motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school
5 bus, a recreational vehicle, or a motorized bicycle.

6 (e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9,
7 the term means a device for transportation by land or air. The term does
8 not include an electric personal assistive mobility device.

9 SECTION 15. IC 9-14-2-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The commissioner
11 shall do the following:

12 (1) Administer and enforce:

13 (A) this title and other statutes concerning the bureau; **and**

14 ~~(2) Administer and enforce~~

15 **(B) the policies and procedures of the ~~commission~~ bureau.**

16 ~~(3) (2) Organize the bureau in the manner necessary to carry out~~
17 ~~the duties of the bureau.~~

18 ~~(4) (3) Submit to the commission, before September 1 of each year~~
19 ~~budget proposals for the bureau including license branches staffed~~
20 ~~by employees of the commission under IC 9-16; to the budget~~
21 **director before September 1 of each year.**

22 ~~(5) (4) Perform other duties assigned by the commission; as~~
23 **required by the bureau.**

24 SECTION 16. IC 9-14-3-5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as
26 provided in subsection (b), (d), or (e), the bureau shall prepare and
27 deliver information on titles, registrations, and licenses and permits
28 upon the request of any person. All requests must be:

29 (1) submitted in writing; **or**

30 **(2) made electronically through the computer gateway**
31 **administered by the intelnet commission under IC 5-21;**

32 to the bureau and, unless exempted under IC 9-29, must be
33 accompanied by the payment of the fee prescribed in IC 9-29-2-2.

34 (b) The bureau shall not disclose:

35 (1) the Social Security number;

36 (2) the federal identification number;

37 (3) the driver's license number;

38 (4) the digital image of the driver's license applicant;

39 (5) a reproduction of the signature secured under IC 9-24-9-1 or
40 IC 9-24-16-3; or

41 (6) medical or disability information;

42 of any person except as provided in subsection (c).

43 (c) The bureau may disclose any information listed in subsection (b):

44 (1) to a law enforcement officer;

45 (2) to an agent or a designee of the department of state revenue;

46 (3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4),
47 IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

48 (4) for voter registration and election purposes required under
49 IC 3-7 or IC 9-24-2.5.

50 (d) As provided under 42 U.S.C. 1973gg-3(b), the commission may
51 not disclose any information concerning the failure of an applicant for

1 a motor vehicle driver's license to sign a voter registration application,
2 except as authorized under IC 3-7-14.

3 (e) The commission may not disclose any information concerning the
4 failure of an applicant for a title, registration, license, or permit (other
5 than a motor vehicle license described under subsection (d)) to sign a
6 voter registration application, except as authorized under IC 3-7-14.

7 SECTION 17. IC 9-14-4-4 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The board shall
9 provide the commissioner **and the office of traffic safety created by**
10 **IC 9-27-2-2** with assistance in the administration of Indiana driver
11 licensing laws, including:

- 12 (1) providing guidance to the commissioner in the area of licensing
- 13 drivers with health or other problems that may adversely affect a
- 14 driver's ability to operate a vehicle safely;
- 15 (2) recommending factors to be used in determining qualifications
- 16 and ability for issuance and retention of a driver's license; and
- 17 (3) recommending and participating in the review of license
- 18 suspension, restriction, or revocation appeal procedures, **including**
- 19 **reasonable investigation into the facts of the matter.**

20 SECTION 18. IC 9-16-1-4.5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) The
22 commission may contract with a qualified person to provide partial
23 services at a qualified person's ~~walk-up~~ location, including locations
24 within a facility used for other purposes, such as electronic titling and
25 title application services and self-serve terminal access.

26 (b) A contract for providing motor vehicle registration and renewal
27 services at a ~~walk-up~~ location must include the following provisions:

- 28 (1) The contractor must provide trained personnel to properly
- 29 process motor vehicle registration and renewal transactions.
- 30 (2) The contractor shall do the following:
- 31 (A) Collect and transmit all bureau fees and taxes collected at the
- 32 contract location.
- 33 (B) Deposit the taxes collected at the contract location with the
- 34 county treasurer in the manner prescribed by IC 6-3.5 or
- 35 IC 6-6-5.
- 36 (3) The contractor shall provide fidelity bond coverage in an
- 37 amount prescribed by the commission.
- 38 (4) The contractor shall pay the cost of any post audits conducted
- 39 by the commission or the state board of accounts on an actual cost
- 40 basis.
- 41 (5) The commission must approve each location and physical
- 42 facility used by a contractor.
- 43 (6) The term of the contract must be for a fixed period.

44 SECTION 19. IC 9-16-1-5 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. Each license branch,
46 **full service provider, or partial services provider** shall collect the
47 service charges prescribed by IC 9-29-3 and ~~deposited~~ **deposit the**
48 **service charges** in the state license branch fund established under
49 IC 9-29-14.

50 SECTION 20. IC 9-18-1-1 IS AMENDED TO READ AS
51 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This article does not

1 apply to the following:

2 (1) Farm wagons.

3 (2) Farm tractors.

4 ~~(3) Farm machinery.~~

5 ~~(4)~~ (3) A new motor vehicle if the new motor vehicle is being
6 operated in Indiana solely to remove it from an accident site to a
7 storage location because:

8 (A) the new motor vehicle was being transported on a railroad
9 car or semitrailer; and

10 (B) the railroad car or semitrailer was involved in an accident
11 that required the unloading of the new motor vehicle to preserve
12 or prevent further damage to it.

13 **(4) An implement of agriculture designed to be operated**
14 **primarily in a farm field or on farm premises.**

15 SECTION 21. IC 9-18-2-8 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The bureau shall
17 register vehicles under the schedule in this section.

18 (b) A person who owns a vehicle shall receive a license plate,
19 renewal tag, or other indicia upon registration of the vehicle. The
20 bureau may determine the device required to be displayed.

21 (c) A corporation shall register, before February 1 of each year, the
22 following vehicles that are owned by the corporation:

23 (1) A passenger motor vehicle that is not regularly rented to others
24 for not more than twenty-nine (29) days in the regular course of the
25 corporation's business.

26 (2) A recreational vehicle.

27 (3) A motorcycle.

28 (4) A truck that:

29 (A) is not regularly rented to others for not more than
30 twenty-nine (29) days in the regular course of the corporation's
31 business; and

32 (B) has a declared gross weight of not more than eleven thousand
33 (11,000) pounds.

34 (d) A corporation that owns a:

35 (1) passenger motor vehicle; or

36 (2) truck that has a declared gross weight of not more than eleven
37 thousand (11,000) pounds;

38 that is regularly rented to others for periods of not more than
39 twenty-nine (29) days in the regular course of the corporation's business
40 must register the passenger motor vehicle or truck before March 1 of
41 each year.

42 (e) **For registrations for 2005**, a person who owns a:

43 (1) passenger motor vehicle;

44 (2) recreational vehicle;

45 (3) motorcycle; or

46 (4) truck that has a declared gross weight of not more than eleven
47 thousand (11,000) pounds;

48 that is not subject to the registration requirements under subsection (d)
49 shall register the passenger motor vehicle, recreational vehicle,
50 motorcycle, or truck in conformance with the schedule set forth in
51 subsection (f) **or (g).**

1 (f) **After December 31, 2005, a person who owns a vehicle subject**
 2 **to registration under this subsection shall register the vehicle in**
 3 **accordance with subsection (g).** The following schedule applies to
 4 persons who own vehicles that are required to be registered under
 5 subsection (e):

6 (1) Persons whose last names begin with the letters A through BE
 7 shall register before February 16 of each year.

8 (2) Persons whose last names begin with the letters BF through BZ
 9 shall register before March 1 of each year.

10 (3) Persons whose last names begin with the letter C shall register
 11 before March 16 of each year.

12 (4) Persons whose last names begin with the letter D shall register
 13 before April 1 of each year.

14 (5) Persons whose last names begin with the letters E through F
 15 shall register before April 16 of each year.

16 (6) Persons whose last names begin with the letter G shall register
 17 before May 1 of each year.

18 (7) Persons whose last names begin with the letters HA through
 19 HN shall register before May 16 of each year.

20 (8) Persons whose last names begin with the letters HO through I
 21 shall register before June 1 of each year.

22 (9) Persons whose last names begin with the letters J through KM
 23 shall register before June 16 of each year.

24 (10) Persons whose last names begin with the letters KN through
 25 L shall register before July 1 of each year.

26 (11) Persons whose last names begin with the letters MA through
 27 ME shall register before July 16 of each year.

28 (12) Persons whose last names begin with the letters MF through
 29 O shall register before August 1 of each year.

30 (13) Persons whose last names begin with the letters P through Q
 31 shall register before August 16 of each year.

32 (14) Persons whose last names begin with the letter R shall register
 33 before September 1 of each year.

34 (15) Persons whose last names begin with the letters SA through
 35 SN shall register before September 16 of each year.

36 (16) Persons whose last names begin with the letters SO through T
 37 shall register before October 1 of each year.

38 (17) Persons whose last names begin with the letters U through
 39 WK shall register before October 16 of each year.

40 (18) Persons whose last names begin with the letters WL through
 41 Z shall register before November 1 of each year.

42 (g) **The bureau shall determine the schedule for registration for**
 43 **the categories of vehicles set forth in subsection (e) for registrations**
 44 **required after December 31, 2005.**

45 ~~(g)~~ (h) A person who owns a vehicle **in a category** required to be
 46 registered under subsection (c), (d), or (e), and who desires to register
 47 the vehicle for the first time must apply to the bureau for a registration
 48 application form. The bureau shall do the following:

49 (1) Administer the registration application form.

50 (2) Issue the license plate.

51 (3) Collect the proper registration and service fees in accordance

with the procedure established by the bureau.

~~(h)~~ (i) The bureau shall issue a semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal tag; or

(2) other indicia;

to be affixed on the semipermanent plate.

SECTION 22. IC 9-18-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) License plates shall be displayed as follows:

(1) For a motorcycle, trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle.

(2) For a ~~farm tractor or~~ tractor, upon the front of the vehicle.

(3) For every other vehicle, upon the rear of the vehicle.

(b) A license plate shall be securely fastened, in a horizontal position, to the vehicle for which the plate is issued:

(1) to prevent the license plate from swinging;

(2) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate;

(3) in a place and position that are clearly visible;

(4) maintained free from foreign materials and in a condition to be clearly legible; and

(5) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) The bureau may adopt rules the bureau considers advisable to enforce the proper mounting and securing of license plates on vehicles consistent with this chapter.

SECTION 23. IC 9-18-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 28. Notwithstanding any other law, license plates, including personalized license plates, for:

(1) passenger motor vehicles;

(2) recreational vehicles;

(3) motor vehicles registered to disabled veterans under IC 9-18-18; or

(4) motor vehicles registered to former prisoners of war under IC 9-18-17;

that contain any of the numerals 1 through 100 following the prefix numbers and letter shall be issued ~~annually~~ **biennially** by the bureau.

SECTION 24. IC 9-18-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. Except as otherwise provided, before:

(1) a motor vehicle;

(2) a motorcycle;

(3) a truck;

(4) a trailer;

(5) a semitrailer;

(6) a tractor;

~~(7) an implement of husbandry or a farm tractor used in transportation;~~

~~(8)~~ (7) a bus;

~~(9)~~ (8) a school bus;

~~(10)~~ (9) a recreational vehicle; or

(11) **(10)** special ~~farm~~ machinery;
 is operated or driven on a highway, the person who owns the vehicle
 must register the vehicle with the bureau and pay the applicable
 registration fee.

SECTION 25. IC 9-18-2-29.5 IS ADDED TO THE INDIANA
 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2005]: **Sec. 29.5. Before a piece of special
 machinery is operated off a highway or in a farm field, the person
 who owns the piece of special machinery must:**

- (1) register the piece of special machinery with the bureau; and**
- (2) pay the applicable registration fee.**

SECTION 26. IC 9-18-2-43 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 43. (a)
 Notwithstanding any law to the contrary but except as provided in
 subsection (b), a law enforcement officer authorized to enforce motor
 vehicle laws who discovers a vehicle required to be registered under
 this article that does not have the proper certificate of registration or
 license plate:

- (1) shall take the vehicle into the officer's custody; and
- (2) may cause the vehicle to be taken to and stored in a suitable
 place until:
 - (A) the legal owner of the vehicle can be found; or
 - (B) the proper certificate of registration and license plates have
 been procured.

(b) **Except as provided in IC 9-21-21-7(b)**, a law enforcement
 officer who discovers a vehicle in violation of the registration
 provisions of this article has discretion in the impoundment of any of
 the following:

- (1) Perishable commodities.
- (2) Livestock.

~~(c) A person who recklessly violates this section commits a Class A
 misdemeanor.~~

SECTION 27. IC 9-19-1-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as
 provided in ~~subsections~~ **subsection** (b) ~~through (c)~~ and as otherwise
 provided in this chapter, this article does not apply to the following
 with respect to equipment on vehicles:

- (1) Implements of ~~husbandry~~ **agriculture designed to be
 operated primarily in a farm field or on farm premises.**
- (2) Road machinery.
- (3) Road rollers.
- (4) Farm tractors.
- (5) Vehicle chassis that:
 - (A) are a part of a vehicle manufacturer's work in process; and
 - (B) are driven under this subdivision only for a distance of less
 than one (1) mile.

~~(b) A farm type dry or liquid fertilizer tank trailer or spreader that is
 drawn or towed on a highway by:~~

- ~~(1) a farm tractor; or~~
- ~~(2) a motor vehicle at a speed not greater than thirty (30) miles per
 hour;~~

is considered an implement of husbandry with respect to equipment requirements and all the requirements of this article regarding lamps on combinations, including farm tractors, apply:

(c) (b) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by a motor vehicle other than a farm tractor at a speed greater than thirty (30) miles per hour is considered a trailer for equipment requirement purposes and all equipment requirements concerning trailers apply.

SECTION 28. IC 9-19-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Sections 4 through 5 of this chapter and IC 9-19-4-3, IC 9-19-4-4, and IC 9-19-5-7:

(1) do not apply to:

(A) machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities;

(B) farm drainage machinery;

(C) implements of ~~husbandry~~ **agriculture** when used during farming operations or when ~~so~~ constructed **so** that they can be moved without material damage to the highways; or

(D) firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in ~~IC 36-8-12-1~~; **IC 36-8-12-2**); and

(2) do not limit the width or height of farm vehicles when loaded with farm products.

SECTION 29. IC 9-19-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A farm tractor and a self-propelled farm equipment unit or an implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and** not equipped with an electric lighting system, must, at all times required by IC 9-21-7-2, be equipped with the following:

(1) At least one (1) lamp displaying a white light visible from a distance of not less than five hundred (500) feet to the front of the vehicle.

(2) At least one (1) lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear of the vehicle.

(3) Two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The lights required by this subsection must be positioned so that one (1) lamp showing to the front and one (1) lamp or reflector showing to the rear will indicate the furthest projection of the tractor, unit, or implement on the side of the road used in passing the vehicle.

(b) A combination of farm tractor and towed unit of farm equipment or implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and** not equipped with an electric lighting system, must, at all times required by IC 9-21-7-2, be equipped with two (2) red reflectors that meet the following requirements:

(1) Are visible from a distance of one hundred (100) feet to six

hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

(2) Are mounted in a manner so as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on the highway.

(c) A farm tractor and a self-propelled unit of farm equipment or an implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and** equipped with an electric lighting system, must, at all times required by IC 9-21-7-2, be equipped with the following:

(1) Two (2) single-beam or multiple-beam head lamps meeting the requirements of section 20 or 21 of this chapter **or** IC 9-21-7-9.

(2) Two (2) red lamps visible from a distance of not less than five hundred (500) feet to the rear, or in the alternative, one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear and two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The red lamps or reflectors must be mounted in the rear of the farm tractor or self-propelled implement of ~~husbandry~~ **agriculture** so as to indicate as nearly as practicable the extreme left and right projections of the vehicle on the highways.

(d) A combination of farm tractor and towed farm equipment or towed implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and** equipped with an electric lighting system, must, at all times required by IC 9-21-7-2, be equipped as follows:

(1) The farm tractor element of each combination must be equipped with two (2) single-beam or multiple-beam head lamps meeting the requirements of section 20 or 21 of this chapter **or** IC 9-21-7-9.

(2) The towed unit of farm equipment or implement of ~~husbandry~~ **agriculture** element of each combination must be equipped with the following:

(A) Two (2) red lamps visible from a distance of not less than five hundred (500) feet to the rear, or as an alternative, one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear.

(B) Two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The red lamps or reflectors must be located so as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on the highway.

(3) A combination of farm tractor and towed farm equipment or towed implement of ~~husbandry~~ **agriculture** equipped with an electric lighting system must be equipped with the following:

(A) A lamp displaying a white or an amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front.

(B) A lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear.

The lamps must be installed or capable of being positioned so as to indicate to the front and rear the furthest projection of that combination on the side of the road used by other vehicles in passing that combination.

(e) A farm tractor, a self-propelled farm equipment unit, or an implement of ~~husbandry~~ **agriculture** must not display blinding field or flood lights when operated on a highway.

(f) All rear lighting requirements may be satisfied by having a vehicle with flashing lights immediately trail farm equipment in accordance with IC 9-21-7-11.

SECTION 30. IC 9-19-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as provided in subsections (b) through (d), a tire on a vehicle moved on a highway may not have on the tire's periphery a block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber that projects beyond the tread of the traction surface of the tire.

(b) ~~Farm machinery~~ **Implements of agriculture** may use tires having protuberances that will not injure the highway.

(c) Tire chains of reasonable proportions may be used upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(d) From October 1 to the following May 1, a vehicle may use tires in which have been inserted ice grips or tire studs of wear-resisting material, installed in a manner that provides resiliency upon contact with the road, with projections that do not exceed three thirty-seconds (3/32) of an inch beyond the tread of the traction surface of the tire, and constructed to prevent any appreciable damage to the road surface.

SECTION 31. IC 9-19-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The Indiana department of transportation and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of:

(1) traction engines; ~~or~~

(2) tractors having movable tracks with transverse corrugations upon the periphery of movable tracks; or

(3) farm tractors or ~~other farm machinery~~, **implements of agriculture designed to be operated primarily in a farm field or on farm premises;**

the operation of which upon a highway would otherwise be prohibited under this chapter.

SECTION 32. IC 9-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this section, "farm vehicle loaded with a farm product" includes a truck hauling unprocessed leaf tobacco.

(b) Except for interstate highway travel, this article does not apply to the following:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

~~(2) Farm drainage machinery;~~

~~(3)~~ (2) Implements of ~~husbandry~~ **agriculture** when used during

farming operations or when ~~so~~ constructed **so** that the implements can be moved without material damage to the highways.

(c) This article does not apply to firefighting apparatus owned or operated by a political subdivision or volunteer fire department (as defined in IC 36-8-12-2).

(d) Except for interstate highway travel, this article does not limit the width or height of a farm vehicle loaded with a farm product.

SECTION 33. IC 9-21-8-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) Except as provided in subsection (b), a stop or turn signal required under this chapter may be given by means of the hand and arm or by a signal lamp or lamps or mechanical signal device.

(b) This subsection does not apply to farm tractors and implements **of agriculture designed to be operated primarily in a farm field or on farm premises**. A motor vehicle in use on a highway must be equipped with and a required signal shall be given by a signal lamp or lamps or mechanical signal device when either of the following conditions exist:

(1) The distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four (24) inches.

(2) The distance from the center of the top of the steering post to the rear limit of the body or load of the motor vehicle exceeds fourteen (14) feet. This measurement applies to a single vehicle and a combination of vehicles.

SECTION 34. IC 9-21-8-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 46. A person may not drive or operate:

(1) an implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises; or**

(2) **a piece of special machinery;**

upon any part of an interstate highway.

SECTION 35. IC 9-21-8-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 47. The following vehicles must be moved or operated so as to avoid any material damage to the highway or unreasonable interference with other highway traffic:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) Farm drainage machinery.

(3) Implements of ~~husbandry~~ **agriculture**.

(4) Firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in IC 36-8-12-2).

(5) Farm vehicles loaded with farm products.

SECTION 36. IC 9-21-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 21. Farm Vehicles Involved in Commercial Enterprises

Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may be operated primarily as a farm truck, farm trailer, or farm

semitrailer and tractor if the vehicle meets the specifications set forth in IC 9-29-5-13(b).

Sec. 2. A farm truck described in section 1 of this chapter may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.

Sec. 3. Except as provided in section 4 of this chapter, if the owner of a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter begins to operate the farm truck, farm trailer, or farm semitrailer and tractor or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:

(1) in the conduct of a commercial enterprise; or

(2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under IC 9-29-5-13 has been paid;

the owner shall pay the amount computed under IC 9-29-5-13.5(c) due for the remainder of the registration year for the license fee.

Sec. 4. Notwithstanding section 3 of this chapter and IC 9-18-2-4, the owner of a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter or an employee or family member of the owner may operate the truck, trailer, or semitrailer and tractor intrastate for the transportation of seasonal, perishable fruit or vegetables to the first point of processing for a period of not more than one (1) thirty (30) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the license fee due under IC 9-29-5-13(b); and

(2) eight and one-half percent (8.5%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor. The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this subsection.

Sec. 5. In addition to the penalty provided in section 7 of this chapter, a person that operates a vehicle or allows a vehicle that the person owns to be operated when the vehicle is:

(1) registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor; and

(2) operated as set forth in section 3 of this chapter;

commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.

Sec. 6. For purposes of this chapter, the operation of a vehicle in violation of section 3 of this chapter is a continuing offense and the venue for prosecution lies in a county in which the unlawful operation occurred. However, a:

(1) judgment against; or

(2) finding by the court for;

the owner or operator bars a prosecution in another county.

Sec. 7. (a) Except as provided in subsection (b), a police officer who discovers a vehicle registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor that is being operated as set forth in section 3 of this chapter:

- (1) may take the vehicle into the police officer's custody; and
- (2) may cause the vehicle to be taken to and stored in a suitable place until:
 - (A) the legal owner of the vehicle can be found; or
 - (B) the proper certificate of registration and license plates have been procured and the amount computed under IC 9-29-5-13.5 has been paid.

(b) A vehicle being operated in violation of section 3 of this chapter that is carrying perishable fruits or vegetables or livestock may not be impounded, and the operator may proceed to the point of destination after having been stopped by a police officer under subsection (a).

SECTION 37. IC 9-23-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) A license issued under this chapter may be denied, suspended, or revoked for any of the following:

- (1) Material misrepresentation in the application for the license or other information filed with the commissioner.
- (2) Lack of fitness under the standards set forth in this article or a rule adopted by the commissioner under this article.
- (3) Willful failure to comply with the provisions of this article or a rule adopted by the commissioner under this article.
- (4) Willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles.
- (5) Engaging in an unfair practice as set forth in this article or a rule adopted by the commissioner under this article.
- (6) Violating IC 23-2-2.7.

~~(b)~~ Except as provided in subsection (d), the procedures set forth in IC 4-21.5 govern the denial, suspension, or revocation of a license and a judicial review. ~~However, A denial, suspension, or revocation of a license takes effect after the commissioner makes a determination and notice of the determination has been served upon the affected person.~~

(b) If the bureau denies, suspends, or revokes a license issued or sought under this article, the affected person may file an action in the circuit court of Marion County, Indiana, or the circuit court of the Indiana county in which the person's principal place of business is located, seeking a judicial determination as to whether the action is proper. ~~An action may not take effect until thirty (30) days after the commissioner's determination has been made and a notice of the determination served upon the affected person.~~ The filing of an action as described in this section within the thirty (30) day period is an automatic stay of the commissioner's determination.

(c) Revocation or suspension of a license of a manufacturer, a distributor, a factory branch, a distributor branch, a dealer, or an automobile auctioneer may be limited to one (1) or more locations, to

one (1) or more defined areas, or only to certain aspects of the business.
 (d) A license may be denied, suspended, or revoked for violating
 IC 9-19-1. IC 4-21.5-4 governs the denial, suspension, or revocation of
 a license under this subsection. The bureau may issue a temporary order
 to enforce this subsection.

SECTION 38. IC 9-24-1-7 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. Sections 1 through
 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United
 States while operating an official motor vehicle in that service.

(2) An individual while operating: ~~an~~

(A) ~~a~~ road roller;

(B) road construction or maintenance machinery, except where
 the road roller or machinery is required to be registered under
 Indiana law;

(C) ~~a~~ ditch digging apparatus;

(D) ~~a~~ well drilling apparatus;

(E) ~~a~~ concrete mixer; or

(F) ~~a~~ farm tractor or ~~an~~ implement of husbandry; **agriculture
 designed to be operated primarily in a farm field or on farm
 premises;**

that is being temporarily drawn, moved, or propelled on an Indiana
 public highway.

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age; and

(B) has in the nonresident's immediate possession a valid
 operator's license that was issued to the nonresident in the
 nonresident's home state or country;

while operating a motor vehicle in Indiana only as an operator.

(4) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid
 chauffeur's license that was issued to the nonresident in the
 nonresident's home state or country;

while operating a motor vehicle upon a public highway, either as
 an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license
 issued by the nonresident's home state for the operation of any
 motor vehicle upon a public highway when in use as a public
 passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) A nonresident whose home state or country does not require the
 licensing of operators or chauffeurs and who has not been licensed
 as an operator or a chauffeur in the nonresident's home state or
 country as an operator if the nonresident is at least sixteen (16)
 years and thirty (30) days of age and less than eighteen (18) years
 of age or as a chauffeur if the nonresident is at least eighteen (18)
 years of age, for not more than sixty (60) days in any one (1) year
 if the following conditions exist:

- 1 (A) The unlicensed nonresident is the owner of the motor vehicle
 2 or the authorized driver of the vehicle.
 3 (B) The vehicle has been registered for the current year in the
 4 state or country of which the owner is a resident.
 5 (C) The motor vehicle at all times displays a registration plate
 6 issued in the home state or country of the owner.
 7 (D) The nonresident owner or driver has in the owner's or
 8 driver's immediate possession a registration card evidencing
 9 ownership and registration in the owner's or driver's home state
 10 or country or is able at any required time or place to do the
 11 following:
 12 (i) Prove lawful possession or the right to operate the motor
 13 vehicle.
 14 (ii) Establish the nonresident's proper identity.
 15 (7) An individual who is legally licensed to operate a motor vehicle
 16 in the state of the individual's residence and who is employed in
 17 Indiana, subject to the restrictions imposed by the state of the
 18 individual's residence.
 19 (8) A new resident of Indiana who possesses an unexpired driver's
 20 license issued by the resident's former state of residence, for a
 21 period of sixty (60) days after becoming a resident of Indiana.
 22 (9) An individual who is an engineer, a conductor, a brakeman, or
 23 another member of the crew of a locomotive or a train that is being
 24 operated upon rails, including the operation of the locomotive or
 25 the train on a crossing over a street or a highway. An individual
 26 described in this subdivision is not required to display a license to
 27 a law enforcement officer in connection with the operation of a
 28 locomotive or a train in Indiana.
 29 SECTION 39. IC 9-24-10-3 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Examinations shall
 31 be held in the ~~city or town~~ county where the license branch office in
 32 which the application was made is located, within a reasonable length
 33 of time following the date of the application.
 34 SECTION 40. IC 9-24-10-7 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) If the bureau has
 36 good cause to believe that a licensed ~~operator or chauffeur~~ driver is:
 37 (1) incompetent; or
 38 (2) otherwise not qualified to be licensed;
 39 the bureau may, upon written notice of at least five (5) days, require the
 40 licensed ~~operator or chauffeur~~ driver to submit to an examination. **The**
 41 **bureau also may conduct a reasonable investigation of the driver's**
 42 **continued fitness to operate a motor vehicle safely, including**
 43 **requesting medical information from the driver or the driver's**
 44 **health care sources.**
 45 (b) Upon the conclusion of an examination **or investigation** under
 46 this section, the bureau:
 47 (1) shall take appropriate action; and
 48 (2) may:
 49 (A) suspend or revoke the license of the licensed ~~operator or~~
 50 ~~chauffeur;~~ **driver;**
 51 (B) permit the licensed ~~operator or chauffeur~~ driver to retain the

license of the licensed ~~operator or chauffeur~~ **driver**; or
 (C) issue a **restricted** license subject to restrictions considered
 necessary in the interest of public safety.

(c) If a licensed ~~operator or chauffeur~~ **driver** refuses or neglects to
 submit to an examination under this section, the bureau may suspend
 or revoke the license of the licensed ~~operator or chauffeur~~ **driver**. **The
 bureau may not suspend or revoke the license of the licensed driver
 until a reasonable investigation of the driver's continued fitness to
 operate a motor vehicle safely has been made by the bureau.**

(d) A licensed ~~operator or chauffeur~~ **driver** may appeal an action
 taken by the bureau under this section to the circuit court or superior
 court of the county in which the licensed ~~operator or chauffeur~~ **driver**
 resides.

SECTION 41. IC 9-24-10-7.5 IS ADDED TO THE INDIANA
 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. A physician licensed to
 practice medicine under IC 25-22.5, an optometrist licensed to
 practice optometry under IC 25-24, or an advanced practice nurse
 licensed under IC 25-23 who has personally examined the patient
 not more than thirty (30) days before making a report concerning
 the patient's fitness to operate a motor vehicle is not civilly or
 criminally liable for a report made in good faith to the:**

(1) bureau;

(2) commission; or

(3) driver licensing medical advisory board;

**concerning the fitness of a patient of the physician, optometrist, or
 advanced practice nurse to operate a motor vehicle in a manner
 that does not jeopardize the safety of individuals or property.**

SECTION 42. IC 9-24-12-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as
 provided in subsection (b) **and section 10 of this chapter**, an operator's
 license issued under this article after December 31, 1996, **and before
 January 1, 2006**, expires at midnight of the birthday of the holder that
 occurs four (4) years following the date of issuance.

(b) **Except as provided in section 10 of this chapter**, an operator's
 license issued after December 31, 1996, to an applicant who is at least
 seventy-five (75) years of age expires at midnight of the birthday of the
 holder that occurs three (3) years following the date of issuance.

(c) **Except as provided in subsection (b) and section 10 of this
 chapter, after December 31, 2005, an operator's license issued
 under this article expires at midnight of the birthday of the holder
 that occurs six (6) years following the date of issuance.**

SECTION 43. IC 9-24-12-2 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **Except as
 provided in section 10 of this chapter**, a chauffeur's license issued
 under this article after December 31, 1996, **and before January 1,
 2006**, expires at midnight of the birthday of the holder that occurs four
 (4) years following the date of issuance.

(b) **After December 31, 2005, and except as provided in section 10
 of this chapter, a chauffeur's license issued under this article
 expires at midnight of the birthday of the holder that occurs six (6)**

years following the date of issuance.

SECTION 44. IC 9-24-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. ~~(a)~~ An individual ~~who applies~~ **applying** for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license **must apply** in person at a license branch ~~must and~~ do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license but has not reached the applicant's twenty-first birthday.

~~(b)~~ An individual may apply for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license by mail or by electronic service if the following conditions are met:

~~(1)~~ A valid computerized image of the individual exists within the records of the bureau.

~~(2)~~ The previous renewal of the operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license was not made by mail or by electronic service.

~~(3)~~ The previous renewal included a test approved by the bureau of the applicant's eyesight.

~~(4)~~ The applicant, if applying for the renewal in person at a license branch, would not be required under subsection (a)(2) to submit to a written examination.

~~(c)~~ An individual applying for the renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under subsection (b):

SECTION 45. IC 9-24-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided in subsection (b) **and section 10 of this chapter**, a motorcycle operator's license issued after December 31, 1996, **and before January 1, 2006**, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) **Except as provided in section 10 of this chapter**, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) **After December 31, 2005, except as provided in subsection (b), a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.**

~~(c)~~ (d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

~~(d)~~ (e) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance.

SECTION 46. IC 9-24-12-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. After June 30, 2005:**

- (1) an operator's;**
- (2) a chauffeur's; or**
- (3) a motorcycle operator's;**

license issued to or renewed by a driver who is at least eighty-five (85) years of age expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

SECTION 47. IC 9-24-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4. An identification card issued:**

- (1) before January 1, 2006, expires on the fourth birthday of the applicant following the date of issue; and**
- (2) after December 31, 2005, expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.**

SECTION 48. IC 9-24-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5. (a)** An application for renewal of an identification card may be made not more than six (6) months before the expiration date of the card. A renewal application received after the date of expiration is considered to be a new application.

(b) A renewed card issued:

- (1) before January 1, 2006, becomes valid on the birth date of the holder and remains valid for four (4) years; and**
- (2) after December 31, 2005, is valid on the birth date of the holder and remains valid for six (6) years.**

(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.

(d) Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

(e) An individual may apply for renewal of an identification card by mail or by electronic service if the following conditions are met:

- (1) A valid computerized image of the individual exists within the records of the bureau;**
- (2) The previous renewal of the identification card was not made by mail or by electronic service;**

SECTION 49. IC 9-25-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 14. (a)** The bureau shall reinstate the current driving license or vehicle registration, or both:

- (1) subject to section 15 of this chapter, after ninety (90) days of suspension:**
 - (A) except as provided in sections 19, 20, and 21(b) of this chapter, if the person has furnished the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle; or**
 - (B) if the person is no longer an owner of the vehicle or the registration of the vehicle has been canceled or has expired;**

(2) if the person is subject to section 21(b) of this chapter and to ~~IC 9-29-13-1~~, **IC 9-29-10-1**, after thirty (30) days of suspension;
 (3) subject to section 15 of this chapter, when the person furnishes the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle if:

- (A) subdivision (1)(B) does not apply; and
 - (B) the person fails to furnish the bureau with a certificate of compliance as described in subdivision (1)(A) within ninety (90) days after the current driving license of the person is suspended;
- or

(4) if financial responsibility was in effect with respect to a vehicle on the date of the accident but the person does not provide the bureau with a certificate of compliance indicating this fact until after the person's current driving license is suspended under this chapter, the person's current driving license shall be reinstated when the person provides the certificate of compliance to the bureau and complies with section 15 of this chapter.

(b) Upon receipt of a certificate of compliance under this section, the bureau shall expunge from the bureau's data base the administrative suspension caused by the failure to notify the bureau that the person had financial responsibility in effect on the date of the violation.

SECTION 50. IC 9-26-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The driver of a vehicle involved in an accident that results in the injury or death of a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

- (A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.
- (B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) Determines the need for and renders reasonable assistance to each person injured in the accident, including the removal or the making of arrangements for the removal of each injured person to a physician or hospital for medical treatment.

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

- (A) state police department, **if the accident occurs before January 1, 2006; or**

(B) bureau, if the accident occurs after December 31, 2005.

SECTION 51. IC 9-26-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars (\$1,000), forward a written report of the accident to the:

(A) state police department, **if the accident occurs before January 1, 2006; or**

(B) bureau, if the accident occurs after December 31, 2005;

within ten (10) days after the accident.

SECTION 52. IC 9-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The state police department may ~~do the following:~~

~~(1) Require a driver who is required to file a report under this chapter to file supplemental reports if the original report is insufficient in the opinion of the state police department.~~

~~(2) require witnesses of accidents to submit reports to the state police department.~~

SECTION 53. IC 9-26-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A city or town may by ordinance require that the driver of a vehicle involved in an accident file with a designated city or town department:

(1) a report of the accident; or

(2) a copy of a report required in this article to be filed with the:

(A) state police department; **or**

(B) bureau.

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4.

SECTION 54. IC 9-27-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The office shall do the following to carry out this chapter:

(1) Develop, plan, and conduct programs and activities designed to prevent and reduce traffic accidents and to facilitate the control of traffic on Indiana streets and highways.

(2) Advise, recommend, and consult with state departments, divisions, boards, commissions, and agencies concerning traffic safety, accident prevention, and traffic facilitation programs and

activities and coordinate these programs and activities on an effective statewide basis.

(3) Organize and conduct, in cooperation with state departments and agencies, programs, services, and activities designed to aid political subdivisions in the control of traffic and prevention of traffic accidents.

(4) Develop informational, educational, and promotional material on traffic control and traffic accident prevention, disseminate the material through all possible means of public information, and serve as a clearinghouse for information and publicity on traffic control and accident prevention programs and activities of state departments and agencies. **These activities must include materials and information designed to make senior citizens aware of the effect of age on driving ability.**

(5) Cooperate with public and private agencies interested in traffic control and traffic accident prevention in the development and conduct of public informational and educational activities designed to promote traffic safety or to support the official traffic safety program of Indiana.

(6) Study and determine the merits of proposals affecting traffic control, traffic safety, or traffic accident prevention activities in Indiana and recommend to the governor and the general assembly the measures that will serve to further control and reduce traffic accidents.

(7) Study proposed revisions and amendments to the motor vehicle laws and all other laws concerning traffic safety and make recommendations relative to those laws to the governor and general assembly.

(8) Develop and conduct a program of effective alcohol and drug countermeasures to protect and conserve life and property on Indiana streets and highways.

(9) Administer the operation lifesaver program referred to in section 12 of this chapter to promote and coordinate public education concerning railroad grade crossing safety.

SECTION 55. IC 9-27-4-5.5, AS AMENDED BY HEA 1288-2005, SEC. 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) **To receive be eligible for** an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must:

(1) complete at least ~~twelve (12)~~ nine (9) semester hours in driver education courses; of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:

(1) a driver and traffic safety education endorsement issued by the professional standards board established by IC 20-28-2-1; and

(2) be at least ~~five (5)~~ twenty-one (21) years of teaching experience in driver education: age upon completion of the driver education courses required by subdivision (1).

(b) The ~~three (3)~~ semester hours of supervised student teaching experience required under subsection (a) may only be undertaken by an individual who will be at least twenty-one (21) years of age upon

completion and may only be performed at a high school, a commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining nine (9) **number of semester** hours of driver education courses required under subsection ~~(a)~~ **(a)(1)** must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours **required completed** under subsection ~~(a)~~ **(a)(1)** do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

(1) The individual meets the requirements of subsection (a).

(2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.

(3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

(1) during 1995, held an instructor's license;

(2) meets the requirements of subsection (d)(2) and (d)(3); and

(3) **completes completed** the ~~twelve (12)~~ **number of** semester hours of driver education courses **that were then** required under subsection ~~(a)~~ **(a)(1)** not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

(1) holds a driver and traffic safety education endorsement issued by the professional standards board established by IC 20-28-2-1; and

(2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by the bureau under subsection (d), (e), or (f) may act as an instructor.

SECTION 56. IC 9-29-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The fee to obtain information ~~on regarding vehicle~~ titles registrations, and driver's licenses under IC 9-14-3-5 is:

(1) four dollars (\$4) for each record requested **in writing; and**

(2) **a fee to be determined by the bureau not to exceed four dollars (\$4), in conformance with IC 5-14-3-8, for each record requested electronically through the computer gateway administered by the intelenet commission under IC 5-21;**

plus any service fee charged by the intelenet commission.

(b) The fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars (\$4) for a

record requested either:

(1) in writing; or

(2) electronically through the computer gateway administered by the intelenet commission under IC 5-21;

plus any service fee charged by the intelenet commission.

~~(b)~~ (c) The fee imposed by this section and paid to the bureau is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

SECTION 57. IC 9-29-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The service charge for each of the first two thousand (2,000) operator's licenses, including motorcycle operator's licenses, issued at a license branch each year is two dollars (\$2). **This subsection expires December 31, 2005.**

(b) The service charge for each additional operator's license or motorcycle operator's license issued at that license branch each year is one dollar and fifty cents (\$1.50). **This subsection expires December 31, 2005.**

(c) Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(d) After December 31, 2005, the service charge for an operator's license is three dollars (\$3).

SECTION 58. IC 9-29-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The service charge for each learner's permit, chauffeur's license, or public passenger chauffeur's license is two dollars (\$2). **This subsection expires December 31, 2005.**

(b) Fifty cents (\$0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(c) After December 31, 2005, the service charge for a learner's permit, public passenger chauffeur's license, or chauffeur's license issued to or renewed for an individual who is at least seventy-five (75) years of age is two dollars (\$2). After December 31, 2005, the service charge for a chauffeur's license issued to or renewed for an individual less than seventy-five (75) years of age is three dollars (\$3).

SECTION 59. IC 9-29-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The service charge for each temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license is one dollar and fifty cents (\$1.50). **This subsection expires December 31, 2005.**

(b) Fifty cents (\$0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(c) After December 31, 2005, the service charge for a temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license issued to or renewed for an individual who is at least seventy-five (75) years of age is one dollar and fifty cents (\$1.50). After December 31, 2005,

1 **the service charge for a motorcycle endorsement of an operator's**
 2 **license issued to or renewed for an individual less than seventy-five**
 3 **(75) years of age is two dollars and twenty-five cents (\$2.25).**

4 SECTION 60. IC 9-29-3-14 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The service
 6 charge for an identification card issued under IC 9-24 is fifty cents
 7 (\$0.50) and one-half (1/2) of each fee collected as set forth in
 8 IC 9-29-9-15. **This subsection expires December 31, 2005.**

9 (b) Fifty cents (\$0.50) of each service charge collected under
 10 ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle
 11 technology fund established by IC 9-29-16-1.

12 **(c) After December 31, 2005, the service charge for an**
 13 **identification card issued under IC 9-24 is seventy-five cents (\$0.75)**
 14 **and one-half (1/2) of each fee collected as set forth in IC 9-29-9-15.**

15 SECTION 61. IC 9-29-5-11 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) This section
 17 does not apply to a vehicle or person exempted from registration under
 18 IC 9-18.

19 (b) The license fee for a motor vehicle that has: (1) a corn sheller; (2)
 20 a well driller; (3) a hay press; (4) a clover huller; (5) a farm wagon type
 21 liquid fertilizer tank trailer; or (6) farm machinery; that is permanently
 22 mounted on the motor vehicle and used solely for transporting the
 23 **equipment piece of special machinery** is five dollars (\$5). The motor
 24 vehicle is exempt from other fees provided under IC 9-18 or this article.

25 ~~(c) The license fee for a farm wagon used for transporting farm~~
 26 ~~products and farm supplies in connection with a farming operation is~~
 27 ~~five dollars (\$5). The farm wagon is exempt from other fees provided~~
 28 ~~under IC 9-18 or this article.~~

29 ~~(d) The license fee for a farm type dry or liquid fertilizer tank trailer~~
 30 ~~or spreader or implement of husbandry used to transport bulk fertilizer~~
 31 ~~between distribution point and farm and return is five dollars (\$5). The~~
 32 ~~trailer, spreader, or implement is exempt from the other fees provided~~
 33 ~~under IC 9-18 or this article.~~

34 ~~(e) (c)~~ (c) The owner of a vehicle listed in this section is not entitled to
 35 a reduction in the five dollar (\$5) license fee because the license is
 36 granted at a time that the license period is less than a year.

37 SECTION 62. IC 9-29-5-12 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. A farm wagon or
 39 farm type dry or liquid fertilizer tank trailer or spreader used to
 40 transport bulk fertilizer between distribution point and farm and return
 41 is exempt from all license fees when the wagon, trailer, or spreader is
 42 drawn or towed on a highway by a:

43 **(1) farm tractor; or**

44 **(2) properly registered motor vehicle.**

45 ~~that is registered as a farm tractor used in transportation.~~

46 SECTION 63. IC 9-29-5-13 IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) This section
 48 does not apply to a vehicle or person exempt from registration under
 49 IC 9-18.

50 (b) The license fee for a motor vehicle, trailer, or semitrailer and
 51 tractor operated primarily as a farm truck, farm trailer, or farm

semitrailer and tractor:

- (1) having a declared gross weight of at least eleven thousand (11,000) pounds; and
- (2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

~~(c) A farm truck, farm trailer, or farm semitrailer and tractor described in subsection (b) may not be operated either part time or incidentally in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce.~~

~~(d) A farm truck described in subsection (b) may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.~~

SECTION 64. IC 9-29-5-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13.5. (a) This section applies to a truck, trailer, or semitrailer and tractor for which a license fee provided in section 13(b) of this chapter has been paid.

(b) **Except as provided in subsection (d)**, if the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under section 13(b) of this chapter has been paid, the owner shall pay the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or semitrailer and tractor.

(c) The credit provided in subsection (b) equals:

- (1) the license fee paid under section 13(b) of this chapter; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the registration year for which the license fee has been paid.

~~(d) A The credit determined under subsection (c) may not exceed ninety percent (90%) of the license fee paid under section 13(b) of this chapter.~~

(d) Notwithstanding subsection (b) and IC 9-18-2-4, the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) or an employee or family member of the owner may operate the truck, trailer, or semitrailer and tractor intrastate for the transportation of seasonal, perishable fruit or vegetables to the first point of processing for a period that consists of not more than a thirty (30) day period in a registration year as provided by IC 9-21-21-4. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) any license fee due under section 13(b) of this chapter; and**
- (2) eight and one-half percent (8.5%) of the license fee paid under section 13(b) of this chapter.**

SECTION 65. IC 9-29-5-42 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 42. (a) Except as provided in subsection (c), vehicles not subject to IC 9-18-2-8 shall be registered at one-half (1/2) of the regular rate, subject to IC 9-18-2-7, if the vehicle is registered after July 31 of any year. This subsection does not apply to the following:

~~(1) A farm tractor, used in transportation.~~

~~(2) (1) Special farm machinery.~~

~~(3) (2) Semitrailers registered on a five (5) year or permanent basis under IC 9-18-10-2.~~

(3) An implement of agriculture designed to be operated primarily on a highway.

(b) Except as provided in subsection (c), subsection (a) and IC 9-18-2-7 determine the registration fee for the registration of a vehicle subject to registration under IC 9-18-2-8(c), IC 9-18-2-8(d), and IC 9-18-2-8(e) and acquired by an owner subsequent to the date required for the annual registration of vehicles by an owner set forth in IC 9-18-2-8.

(c) Subject to subsection (d), a vehicle subject to the International Registration Plan that is registered after September 30 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before April 1 of the following year beginning with the date of registration. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(d) If the department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration for motor vehicles subject to the International Registration Plan, a motor vehicle subject to the International Registration Plan that is registered after the date designated for registration of the motor vehicle in rules adopted under ~~IC 9-17-2-7~~ **IC 9-18-2-7** shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before the motor vehicle must be re-registered. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

SECTION 66. IC 9-29-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a) The fee for a four (4) year operator's license issued under IC 9-24-3 is six dollars (\$6). This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:

(1) less than seventy-five (75) years of age is nine dollars (\$9); and

(2) at least seventy-five (75) years of age is six dollars (\$6).

SECTION 67. IC 9-29-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **(a) The fee for a**

chauffeur's license issued under IC 9-24-4 is eight dollars (\$8). **This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for a chauffeur's license issued under IC 9-24-4 or renewed under IC 9-24-12 to an individual who is:

(1) at least seventy-five (75) years of age is eight dollars (\$8);
and

(2) less than seventy-five (75) years of age is twelve dollars (\$12).

SECTION 68. IC 9-29-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The fee for a four (4) year motorcycle operator's license issued under IC 9-24-8 is six dollars (\$6). **This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for a motorcycle operator's license issued under IC 9-24-8 or renewed under IC 9-24-12 to an individual who is:

(1) at least seventy-five (75) years of age is six dollars (\$6); and

(2) less than seventy-five (75) years of age is nine dollars (\$9).

SECTION 69. IC 9-29-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The fee for a motorcycle operator endorsement of an operator's license is three dollars (\$3). **This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of an operator's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars (\$3);
and

(2) less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).

SECTION 70. IC 9-29-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The fee for a motorcycle operator endorsement of a chauffeur's license is three dollars (\$3). **This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of a chauffeur's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars (\$3);
and

(2) less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).

SECTION 71. IC 9-29-9-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) The fees for the issuance, renewal, or duplication of identification cards under IC 9-24-16 are as follows:

(1) For a person at least sixty-five (65) years of age or a person with a physical disability and not entitled to obtain a ~~driving~~ driver's license, two dollars (\$2).

(2) For any other eligible person, four dollars (\$4).

This subsection expires December 31, 2005.

(b) After December 31, 2005, the fees for the issuance, the renewal, or a duplicate of an identification card under IC 9-24-16 are as follows:

(1) For an individual at least sixty-five (65) years of age or an individual with a physical disability and not entitled to obtain a driver's license, three dollars and fifty cents (\$3.50).

(2) For any other individual, six dollars (\$6).

SECTION 72. IC 10-11-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least eleven thousand (11,000) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

(1) IC 6-1.1-7-10.

(2) IC 6-6-1.1-1202.

(3) IC 6-6-2.5.

(4) IC 6-6-4.1-12.

(5) IC 8-2.1.

(6) IC 9-18.

(7) IC 9-19.

(8) IC 9-20.

(9) IC 9-21-7-2 through IC 9-21-7-11.

(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.

(11) IC 9-21-8-45 through IC 9-21-8-48.

(12) IC 9-21-9.

(13) IC 9-21-15.

(14) IC 9-21-21.

~~(14)~~ **(15)** IC 9-24-1-1 through IC 9-24-1-3.

~~(15)~~ **(16)** IC 9-24-1-7.

~~(16)~~ **(17)** Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.

~~(17)~~ **(18)** IC 9-24-4.

~~(18)~~ **(19)** IC 9-24-5.

~~(19)~~ **(20)** IC 9-24-11-4.

~~(20)~~ **(21)** IC 9-24-13-3.

~~(21)~~ **(22)** IC 9-24-18-1 through IC 9-24-18-2.

~~(22)~~ **(23)** IC 9-25-4-3.

~~(23)~~ **(24)** IC 9-28-4.

~~(24)~~ **(25)** IC 9-28-5.

~~(25)~~ **(26)** IC 9-28-6.

~~(26)~~ **(27)** IC 9-29-5-11 through IC 9-29-5-13.

~~(27)~~ **(28)** IC 9-29-5-42.

~~(28)~~ **(29)** IC 9-29-6-1.

~~(29)~~ **(30)** IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.

~~(30)~~ **(31)** IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

SECTION 73. IC 13-11-2-245 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

~~(1) Farm tractors.~~

~~(2) Implements of husbandry.~~

~~(3) Farm tractors used in transportation.~~

~~(4) (1) Mobile homes (house trailers).~~

~~(5) (2) Trailers weighing not more than three thousand (3,000) pounds.~~

~~(6) (3) Antique motor vehicles.~~

(4) Special machinery (as defined in IC 9-13-2-170.3).

(b) "Vehicle", for purposes of IC 13-18-12, means a device used to transport a tank.

(c) "Vehicle", for purposes of IC 13-20-4, refers to a municipal waste collection and transportation vehicle.

(d) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle and types of equipment, machinery, implements, or other devices used in transportation, manufacturing, agriculture, construction, or mining. The term does not include the following:

(1) A lawn and garden tractor that is propelled by a motor of not more than ~~twenty (20)~~ **twenty-five (25)** horsepower.

(2) A semitrailer.

(e) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth in IC 9-13-2-196.

SECTION 74. IC 26-1-9.1-311 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 311. (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) a statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt IC 26-1-9.1-310(a);

(2) any Indiana certificate-of-title statute covering automobiles, trailers, mobile homes, **or** boats, ~~farm tractors or the like~~, which provides for a security interest to be indicated on the certificate as a condition or result of perfection; or

(3) a certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement

under IC 26-1-9.1. Except as otherwise provided in subsection (d), IC 26-1-9.1-313, IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d), IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to IC 26-1-9.1.

(d) During any period in which collateral, subject to a statute specified in subsection (a)(2), is inventory held for sale or lease by a person or leased by that person as lessor, and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person, but instead, the filing provisions of IC 26-1-9.1-501 through IC 26-1-9.1-527 apply.

SECTION 75. IC 34-30-2-30.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 30.5. IC 9-24-10-7.5 (Concerning physicians, optometrists, or advanced practice nurses making reports concerning driver impairment).**

SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 6-6-2.5-11; IC 9-13-2-55; IC 9-13-2-57; IC 9-13-2-169; IC 9-29-5-19; IC 9-29-13-1.

SECTION 77. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 9-13-2-77, as amended by this act, the bureau of motor vehicles shall carry out the duties imposed on it under IC 9-13-2-77, as amended by this act, under interim written guidelines approved by the commissioner of motor vehicles.**

(b) **This SECTION expires on the earlier of the following:**

(1) **The date rules are adopted under IC 9-13-2-77, as amended by this act.**

(2) **December 31, 2006.**

SECTION 78. [EFFECTIVE UPON PASSAGE] (a) **The bureau of motor vehicles shall adopt rules under IC 4-22-2 to identify and define "farm truck", "farm trailer", and "farm semitrailer and tractor", as required by IC 9-13-2-58.**

(b) **Notwithstanding subsection (a), the bureau of motor vehicles shall carry out the duties imposed on it by IC 9-13-2-58 and by this SECTION under interim written guidelines approved by the commissioner of motor vehicles.**

(c) **This SECTION expires on the earlier of the following:**

(1) **The date rules are adopted under IC 9-13-2-58.**

(2) **December 31, 2006.**

SECTION 79. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "common carrier" has the meaning set forth in IC 8-2.1-17-4.**

(b) **As used in this SECTION, "contract carrier" has the**

1 meaning set forth in IC 8-2.1-17-5.

2 (c) As used in this SECTION, "person" includes an employee or
3 a family member of a farmer.

4 (d) Notwithstanding IC 9-24-6-2(c), the bureau of motor vehicles
5 shall adopt rules under IC 4-22-2 to exempt a person who operates
6 a farm vehicle:

7 (1) that is controlled by a farmer;

8 (2) that is used to transport:

9 (A) agricultural products;

10 (B) farm machinery; or

11 (C) farm supplies;

12 to or from a farm;

13 (3) that is not used in the operations of a common or contract
14 carrier; and

15 (4) that is used within one hundred fifty (150) miles of the
16 farmer's farm;

17 from regulation as a person required to hold a commercial driver's
18 license in order to operate a farm vehicle.

19 (e) The bureau of motor vehicles shall carry out the duties
20 imposed on it by IC 9-24-6-2(c) and by this SECTION under
21 interim written guidelines approved by the commissioner of motor
22 vehicles.

23 (f) This SECTION expires on the earlier of the following:

24 (1) The date rules are adopted under IC 9-24-6-2(c).

25 (2) December 31, 2006.

26 SECTION 80. [EFFECTIVE UPON PASSAGE] (a)
27 Notwithstanding IC 9-21-21-4, as added by this act, the bureau of
28 motor vehicles shall carry out the duties imposed on it under
29 IC 9-21-21-4, as added by this act, under interim written guidelines
30 approved by the commissioner of the bureau of motor vehicles.

31 (b) This SECTION expires the earlier of the following:

32 (1) The date rules are adopted under IC 9-21-21-4.

33 (2) December 31, 2006.

34 SECTION 81. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
35 IC 9-29-2-2, as amended by this act, the fee charged before January
36 1, 2006, for a record of a vehicle title that is requested electronically
37 through the computer gateway administered by the intelenet
38 commission under IC 5-21 is four dollars (\$4). The intelenet
39 commission may also charge a service fee.

40 (b) This SECTION expires January 1, 2006.

41 SECTION 82. [EFFECTIVE UPON PASSAGE] (a)
42 Notwithstanding IC 9-29-3-8, IC 9-29-3-9, IC 9-29-3-10, and
43 IC 9-29-3-14, all as amended by this act, and in accordance with
44 IC 9-29-3-19(d)(2), the bureau of motor vehicles shall adopt rules
45 under IC 4-22-2 to increase the service charges in effect on July 1,
46 2005, under 140 IAC 8-3-9, 140 IAC 8-3-18, and 140 IAC 8-3-20
47 concerning service charges for an operator's license, a motorcycle
48 license, a chauffeur's license, or a motorcycle endorsement of an
49 operator's or a chauffeur's license for an individual who is less than
50 seventy-five (75) years of age at the time of the issuance or renewal
51 of the license or endorsement. The rules must:

(1) provide that the applicable service charge is increased by fifty percent (50%) over the charge in effect on July 1, 2005; and

(2) be effective January 1, 2006.

(b) Before the effective date of the rules adopted under subsection (a), the bureau of motor vehicles shall carry out the duties imposed on it under this SECTION under interim written guidelines approved by the commissioner of the bureau of motor vehicles. Interim guidelines approved under this subsection expire on the earlier of:

(1) the effective date of the rules adopted under subsection (a);

or

(2) January 1, 2007.

(c) This SECTION expires on the earlier of the following:

(1) The date rules are adopted in accordance with this SECTION.

(2) January 1, 2007.

SECTION 83. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-29-9-2, IC 9-29-9-4, IC 9-29-9-6, IC 9-29-9-7, and IC 9-29-9-8, all as amended by this act, and in accordance with IC 9-29-1-2(b), the bureau of motor vehicles shall adopt rules under IC 4-22-2 to increase the license fee and motorcycle endorsement fee in effect on July 1, 2005, under 140 IAC 8-4-25 and 140 IAC 8-4-26 concerning license fee increases and motorcycle endorsement fee increases for certain operator's licenses, motorcycle licenses, or chauffeur's licenses or a motorcycle endorsement of an operator's or a chauffeur's license for an individual who is less than seventy-five (75) years of age at the time of the issuance of or renewal of the license or endorsement. The rules must:

(1) provide that the applicable license fee or motorcycle endorsement fee increase is increased by fifty percent (50%) over the charge in effect on July 1, 2005; and

(2) be effective January 1, 2006.

(b) Before the effective date of the rules adopted under subsection (a), the bureau of motor vehicles shall carry out the duties imposed on it under this SECTION under interim written guidelines approved by the commissioner of the bureau of motor vehicles. Interim guidelines approved under this subsection expire on the earlier of:

(1) the effective date of the rules adopted under subsection (a);

or

(2) January 1, 2007.

(c) This SECTION expires on the earlier of the following:

(1) The date rules are adopted in accordance with this SECTION.

(2) January 1, 2007.

SECTION 84. An emergency is declared for this act.

(Reference is to EHB 1073 as reprinted March 29, 2005.)

Conference Committee Report
on
Engrossed House Bill 1073

Signed by:

Representative Lehe
Chairperson

Senator Riegsecker

Representative Tincher

Senator Broden

House Conferees

Senate Conferees